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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,374	09/30/2003	Markus Cherdron	13913-122001 / 2003P00360	3225
22852	7590	10/10/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			INGBERG, TODD D	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/676,374	CHERDRON ET AL.	
	Examiner	Art Unit	
	Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 21 have been examined.

Specification

1. The Preliminary amendment filed November 1, 2004, updating the drawings was entered and the drawings have been accepted.

Information Disclosure Statement

2. The Information Disclosure Statement filed August 16, 2004 has been considered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 – 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is for developing software which is not a tangible result because the result is not clearly claimed to be stored on a computer readable medium. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by the Template Software product line.

The **Template** Software product line contains:

The SNAP programming language

The Workflow Template

The Web Component

These three layered products work together.

The documentation sets for the products contains the following manuals.

SNAP released June 1997

SNAP Language Reference (Referred to as **REF** - Not used in this Office Action)

Using the SNAP Language (Referred to as **LANG** - Not used in this Office Action)

Using the SNAP Communication Component (Referred to as **COM**)

Using the SNAP Graphic User Interface Component (Referred to as **GUI** Not used in this Office Action)

Getting Started with SNAP (Referred to as **START** Not used in this Office Action)

Using the SNAP Display Editors (Referred to as **DISP** - Not used in this Office Action)

SNAP Class Library Reference (Referred to as **CLASS** - Not used in this Office Action)

Using the SNAP External Application Software Component (**EXT** - Not used in this Office Action)

Using the SNAP Development Environment (Referred to as **SNAP**)

SNAP Module Library Reference (Referred to as **MODU** Not used in this Office Action)

Using the SNAP Permanent Storage Component (Referred to as **PERM**)

Workflow released September 1997

Developing a WFT Workflow System (Referred to as **WFT**)

Using the WFT Development Environment (Referred to as **ENV**)

WFT Library Reference (Referred to as **WFTLIB** - Not used in this Office Action)

Web Component

Using the Web Component (Referred to as **WEB**)

Training Guides

SNAP Application Developer's Training Course (Referred to as **TRAINS** — Modules 1 and 10 provided)

Workflow Template Training Course (Referred to as **TRAINW** — Section A)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipated by a product offering. Furthermore, with the 1997 press release announcing version 8.0 these considered prior art under *In re Epstein* 31 USPQ2d 1817 (decided August 17, 1994) with a 1997 release date despite the 1998 copyright date.

Claim 1

Template anticipates a method for developing an application (WFT, pages 2-2 to 2-3, Introduction), the method comprising: defining file borders for development objects in a data model (SNAP, pages Chapter 8, Using the Project Editor – enables file borders from a high level – files for storing, WFT, Chapters 2 – 4, Enable one to design a workflow system at the application level (i.e. Data Flow level) see page 4-3); storing the development objects of the application in a file-based repository based on the file borders (TRAINW, Section A, page 3) ; and employing an API derived from the data model to access the development objects (WFT, Chapter 6, shows the Role objects called Applications in the WFT system – the previous sections described the flows (API) between the Applications).

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Claim 2

The method of claim 1 further comprising caching the development objects in a local cache repository (SNAP, pages 3-10, the classes represent objects and are reusable, NOTE: local cache is not defined to be traditional meaning of cache memory).

Claim 3

The method of claim 1 wherein defining the file borders comprises identifying one of the development objects as a main development object to be included in a file with any development objects that are defined in the data model to be children objects of the main development object that are not identified as main development objects (SNAP, Chapter 3, Object Model Editor, see pages 3-6 inheritance lines and page 3-9).

Claim 4

The method of claim 3 further comprising storing in the file user-defined code associated with the main development object (SNAP, page 3-44 to 3-47, Functions (methods)).

Claim 5

The method of claim 3 further comprising storing in the file a reference to another development object stored in another file (ENV, pages 2-1 to 2-7 and SNAP, Chapter 8).

Claim 6

The method of claim 1 further comprising enabling a user to define a source path for one of the development objects As per claim 1.

Claim 7

The method of claim 1 wherein employing the API further comprises using tools that use the API to enable a user to perform a development operation. As per claim 1.

Claim 8

The method of claim 7 wherein the development operation includes a copy and paste operation (SNAP, page 3-32).

Claim 9

The method of claim 7 wherein the development operation includes enabling a user to refactor a copied development object. (TRAINW, Section A, page 3, Shows the Template concept in view of the rejection for claim 1 – objects and classes refactored)

Claim 10

The method of claim 9 further comprising enabling a user to define a scope of the refactor (as per claim 9 – scope Vertical Templates).

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Claim 11

The method of claim 7 wherein the development operation includes storing translatable text separate from the development objects (SNAP, page 6-10, Class Definition files (CD) more specific references to CD files throughout the reference).

Claim 12

Template anticipates a method for developing applications, the method comprising: generating a data model for an application (as per claim 1), the data model being implemented in a language that includes an customizable extension (Template product line is object technology), the data model including a feature defined using the customizable extension (SNAP, Chapter 3, Object Model Editor, see pages 3-6 inheritance lines and page 3-9) ; deriving an API from the data model, the API incorporating the feature; and enforcing constraints specified in the data model by employing the derived API during development of the application (WFT, pages 4-20 to 4-28, Rules).

Claim 13

The method of claim 12, wherein the feature comprises an indication used to implement a file border. (SNAP, page 8-21).

Claim 14

The method of claim 12, wherein the feature comprises an indication used to implement a platform-specific feature. (SNAP, Chapter 8, page 8-26 – UNIX and pages 2-4 to 2-5).

Claim 15

The method of claim 12, wherein the feature comprises an indication representing translatable text. (SNAP, page 6-10, Class Definition files (CD) more specific references to CD files throughout the reference).

Claim 16

The method of claim 12, wherein the feature comprises an indication representing that an aggregation in the data model is ordered. (SNAP, Chapter 3, Object Model Editor, see pages 3-6 inheritance lines and page 3-9).

Claim 17

The method of claim 12, wherein the feature comprises an indication representing a singular name. (SNAP, page 3-11, New class - class name)

Claim 18

The method of claim 12, wherein the feature comprises an indication representing that an attribute in the data model is nullable. (SNAP, page 3-40, Attributes – Default).

Claim 19

Template anticipates a system for developing an application (WFT, pages 2-2 to 2-3, Introduction), the system comprising: a repository storing development objects using file borders

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defined in a data model (SNAP, pages Chapter 8, Using the Project Editor – enables file borders from a high level – files for storing, WFT, Chapters 2 – 4, Enable one to design a workflow system at the application level (i.e. Data Flow level) see page 4-3); a local development cache for caching the development objects from the repository (SNAP, pages 3-10, the classes represent objects and are reusable, NOTE: local cache is not defined to be traditional meaning of cache memory) ; an API derived from the data model (WFT, pages 2-4, shows the flows between the different Roles from the concept drawing – the implementation on page , WFT, Chapter 7 shows different interactions among the objects); and a user interface development tool that uses the API to access the development objects (WFT, Chapter 6, shows the Role objects called Applications in the WFT system – the previous sections described the flows (API) between the Applications).

Claim 20

The system of claim 19, further comprising a repository server that includes the repository (WFT, pages 7-19).

Claim 21

The system of claim 19, wherein the user interface development tool comprises one of a project browser (as per claim 19), an application modeler, a view designer, a controller and context editor, and a model editor (ENV, Chapter 3, WDE).

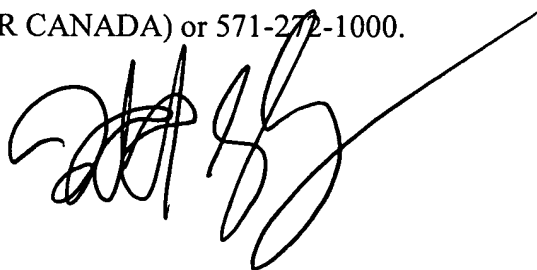
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'TI', with a long horizontal line extending from the right side.

Todd Ingberg
Primary Examiner
Art Unit 2193

TI